



## DEPARTMENT OF TRANSPORTATION

MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

25238

[DOCKET NO. HM-149B; AMDT. NOS. 172-53, 175-9]

### 49 CFR Parts 172 and 175

#### Air Transportation of Limited Quantities of Low-Level Radioactive Materials; Exemption Renewal

**AGENCY:** Materials Transportation Bureau, Research and Special Programs Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Materials Transportation Bureau is renewing the limited exemptions for air transport of small quantities of materials exhibiting very low levels of radiation. These materials do not present a significant hazard to passengers or crewmembers aboard an aircraft. Renewal of these exemptions will permit the continued transportation by aircraft of these materials.

**EFFECTIVE DATE:** May 3, 1979.

**ADDRESS:** All written comments received in this rulemaking action are available for examination during regular business hours in the Dockets Branch, Room 6500, TransPoint Building, 2100 Second Street, S.W., Washington, D.C.

#### FURTHER INFORMATION CONTACT:

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**SUPPLEMENTARY INFORMATION:** The Materials Transportation Bureau (MTB) published a Notice of Proposed Exemption Renewal on March 15, 1979. (44 FR 15748) seeking public input on the proposed renewal of exemptions found at 49 CFR 172.204(c)(4), 175.10(a)(6), and 175.700(d). The period for submitting comments ended on April 16, 1979. The Materials Transportation Bureau (MTB) received only twelve comments concerning the proposals, all of which were favorable to the exemption renewals.

The exemptions apply to limited quantities of radioactive materials (§ 173.391(a)) and to instruments or

manufactured articles (§ 173.391(b) and (c)) such as smoke detectors, electronic tubes, and wristwatches which contain very small amounts of radioactive material. Without the exemptions, these items would be prohibited from carriage aboard passenger-carrying aircraft unless intended for use in, or incident to, research or medical diagnosis or treatment.

Pursuant to Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806) governing exemptions, the exemptions in §§ 172.204(c)(4), 175.10(a)(6) and 175.700(d) are subject to a two-year life and will expire on May 3, 1979. MTB is renewing these exemptions on the finding that renewal is consistent with the public interest and safety.

Primary drafters of this document are John C. Allen, Office of Hazardous Materials Regulation, Materials Transportation Bureau, and Evan C. Braude, Office of the Chief Counsel, Research and Special Programs Administration.

#### PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

In consideration of the foregoing, 49 CFR Part 172 is amended as follows:

In § 172.204, paragraph (c)(4) is amended to read as follows:

##### § 172.204 Shipping certification.

\* \* \*

(c) \* \* \*

(4) *Radioactive material.* Each person who offers any radioactive material for transportation aboard a passenger-carrying aircraft shall sign (mechanically or manually) a printed certificate stating that the shipment contains radioactive material intended for use in, or incident to, research, medical diagnosis or treatment. Prior to May 3, 1981, this provision does not apply to materials meeting the

requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1979.

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#### PART 175—CARRIAGE BY AIRCRAFT

In consideration of the foregoing, 49 CFR Part 175 is amended as follows:

1. In § 175.10, paragraph (a)(6) is amended to read as follows:

##### § 175.10 Exceptions.

(a) \* \* \*

(6) Prior to May 3, 1981, radioactive materials which meet the requirements of § 173.391(a), (b), or (c) of this subchapter in effect on May 3, 1979.

\* \* \*

2. In § 175.700, paragraph (d) is amended to read as follows:

##### § 175.700 Special requirements for radioactive materials.

\* \* \*

(d) Except as provided in this paragraph, no person may carry aboard a passenger-carrying aircraft any radioactive material other than a radioactive material intended for use in, or incident to, research or medical diagnosis or treatment. Prior to May 3, 1981, this prohibition does not apply to materials which meet the requirements of § 173.391(a), (b), or (c) of this subchapter in effect on May 3, 1979.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and Appendix A to Part 1).

**Note**—The Materials Transportation Bureau has determined that this proposed regulation will not have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (43 FR 9583). A regulatory evaluation is available for review in the Docket.

Issued in Washington, D.C. on April 20, 1979.

L. D. Santman,

Director, Materials Transportation Bureau.

[Docket HM-149B; Amdt. Nos. 172-53, 175-9]

[FR Doc. 79-13240 Filed 4-27-79; 8:45 am]